

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CEDAR SHORES CONDOMINIUM)	
COUNCIL for itself and on behalf of)	
The Association of Owners of the Cedar)	C.A. No.: 08-032 SLR
Shores Condominium,)	
)	
Plaintiff,)	
)	
v.)	
)	
MIDDLESEX MUTUAL ASSURANCE)	
COMPANY, MIDDLE OAK MUTUAL,)	
ATLANTIC, SMITH, CROPPER &)	
DEELEY, LLC and EAGLE)	
ADJUSTING SERVICES, INC.,)	
)	
Defendants.)	

MOTION TO DISMISS

NOW COMES, Defendant Eagle Adjusting Services, Inc. (hereinafter “Defendant Eagle Adjusting Services”), by and through its undersigned counsel, and hereby respectfully requests the dismissal of this matter. In support thereof, Defendant Eagle Adjusting Services sets forth as follows:

1. On November 30, 2007, the state court action captioned *Cedar Shores Condominium Council for itself and on behalf of the Association of Owners of the Cedar Shores Condominium, v. Middlesex Mutual Assurance Company, Middle Oak Mutual, Atlantic, Smith, Cropper & Deeley, LLC and Eagle Adjusting Services, Inc.*, C.A. No. 07C-11-047 THG, was filed in the Delaware Superior Court, in and for Sussex County (the “State Court Action”).

2. On January 15, 2008, Defendant Eagle Adjusting Services filed a Notice of Removal seeking to remove the State Court Action from Superior Court to this Court.

3. On February 5, 2008, a Notice of Dismissal of the State Court Action was filed in Superior Court. A copy of Plaintiff's Notice of Dismissal in the State Court Action is attached hereto as Exhibit "A".

4. Defendant Eagle Adjusting Services now seeks to dismiss this action as the underlying State Court Action, and the litigation in general, has been resolved among the parties.

WHEREFORE, Defendant Eagle Adjusting Services, Inc. respectfully requests that the Court grant the above-captioned Motion to Dismiss.

MARGOLIS EDELSTEIN

/s/ Sally E. Sobczyk

Herbert W. Mondros, Esquire (DE #3308)

Sally E. Sobczyk, Esquire (DE #4762)

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Attorneys for Defendant, Eagle Adjusting
Services, Inc.

Dated: March 25, 2008

**IN THE UNITED STATES DISTRICT COURT
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ATLANTIC, SMITH, CROPPER &)	
DEELEY, LLC and EAGLE)	
ADJUSTING SERVICES, INC.,)	
)	
Defendants.)	

NOTICE OF MOTION

PLEASE TAKE NOTICE that the attached Motion to Dismiss will be considered at the convenience of this Honorable Court.

MARGOLIS EDELSTEIN

/s/ Sally E. Sobczyk

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)	
Defendants.)	

ORDER

Upon consideration of Defendant Eagle Adjusting Services, Inc.'s Motion to Dismiss, and all supporting papers filed therewith:

IT IS HEREBY ORDERED, this ____ day of _____, 2008, that Defendant Eagle Adjusting Services, Inc.'s Motion to Dismiss is granted and each party shall bear their own costs.

The Honorable Sue L. Robinson
United States District Court

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ADJUSTING SERVICES, INC.,)	
)	
Defendants.)	

CERTIFICATE OF SERVICE

I, Sally E. Sobczyk, Esquire hereby certify that on this 25th day of March, 2008, a true and correct copy of the foregoing Motion to Dismiss was served via First Class, U.S. mail, postage pre-paid, on the following counsel of record:

John A. Sergovic, Jr., Esquire
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MARGOLIS EDELSTEIN

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